

### **REMARKS/ARGUMENTS**

The present remarks are in response to the final Office Action mailed on July 17, 2006. Claims 1-43 are pending in the present patent application. Claims 1-33, 37-40, and 43 were cancelled without prejudice in the Amendment and Response to Office Action filed on June 8, 2006. The Applicant intends to pursue these claims in a future, related application. Claims 34-36, 41 and 42 remain for consideration and have been rejected.

The Applicant has amended claims 34 and 36. Claim 34 has been amended to incorporate the language of claims 35 and 41. In addition, the “sleeve” has been more accurately described as a “protective sleeve” for consistency with the specification (see e.g., page 27, lines 23-28), as well as to more accurately describe its true function. Therefore, no new matter was added in making the above amendment. In light of the above amendment, claims 35 and 41 have been cancelled.

Claim 36 has been amended to eliminate the term “in the plane defined by the cutting edge. In its place, the Applicant has noted that, in the embodiment recited in claim 36, the vibration device during use produces movement of “the head region consequently vibrates substantially radially in relation to the axis of rotation.” Support for the above language can be found in at least lines 9-11 of page 46 of the original specification. Therefore, no new matter was added in making the above amendment.

**1. Claim 36 is rejected under 35 U.S.C. §112, ¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention**

In rejecting the above-identified claim, the Examiner stated:

In claim 36, the phrase “in the plane defined by the cutting edge” is indefinite. The cutting edge is one-dimensional and inherently does not define any plane, thus it is not clear what would or would not infringe on this claim.

See the Office Action of July 17, 2006, page 2, para. 1. As noted above, the Applicant has amended claim 36 of the present application such that the noted language is no longer present. In its place, the applicant has clearly identified a plane that defines a direction in

which the head region vibrates. Therefore, the applicant asserts that there is no ambiguity in claim 36. Favorable reconsideration is respectfully requested.

**2-3. Claims 34-36, 41 and 42 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,046,249 to Kawara et al. (hereinafter the "Kawara patent")**

In rejecting the above claims, the Examiner noted:

...Kawara et al. '249...shows a unitary razor body with all of the limitations as seen in figure 9. The flywheel vibration device (150-152) is in proximity to the blade mount (132). The blade is vibrated along its cutting edge (lines 43-45, column 2).

(See Office Action of July 17, 2006, page 2, para. 4). As noted above, claims 35 and 41 have been incorporated into claim 34, leaving claims 34, 36 and 42 as the remaining rejected claims. Of the above-listed remaining claims, claim 34 (reproduced below, in amended form, for convenience) is the sole independent claim.

34. A razor, in particular for wet shaving, comprising:

a unitary body having a handle region, a head region and a neck region located between the handle region and the head region, and

functional components at least partially arranged within the unitary body and comprise an electrically operated vibration device for producing vibrations in the head region and an electrical supply device, having an energy store, for the vibration device, the head region having a holding device for an exchangeable blade element and the vibration device being arranged in the unitary body in proximity of the holding device; wherein

the vibration device comprises a motor with a flywheel arranged eccentrically in relation to an axis of rotation; and

the motor and the flywheel are arranged within a protective sleeve, the protective sleeve being positioned within the head region and extending along the axis of rotation more than the protective sleeve extends perpendicular to the axis of rotation.

The applicant submits that the Kawara reference does not disclose each and every claim recitation of claim 34 (above). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

As noted in claim 34, the vibration device is positioned inside a protective sleeve that is within the unitary body of the handle (*i.e.*, the head region). The Kawara patent fails to disclose, teach or suggest the use of such a protective sleeve. In fact, the Kawara reference merely states that the electric rotary motor (50) is mounted within the shaver head (30). The rest of the handle (*i.e.*, the damper member 70 and the base barrel (11)) is then assembled with the shaver head (30). Such a set-up provides little flexibility during manufacture. For example, the disclosure of Kawara requires that the shaver head (30) be pre-formed, prior to inserting the motor assembly. Conversely, the protective sleeve recited in claim 34 enables the designers to select from a number of methods of manufacturing a unitary body (e.g., molding a unitary handle around the protective sleeve that contains the motor). In the above example, a molding process, without the use of the protective sleeve, would render the vibration device useless (*i.e.*, the eccentric weight would be captured within the molded material and would be unable to spin). The Kawara reference does not disclose, teach or suggest these alternative manufacturing processes that are available when a protective sleeve is utilized.

Accordingly, as discussed above, because each and every recitation of claim 34 is not disclosed by the Kawara patent, claim 34 is not anticipated. Favorable reconsideration of the present rejection is respectfully requested.

Claims 36 and 42 depend from claim 34 and are, therefore, also not anticipated by the Kawara patent for at least the same reasons stated above in connection with claim 34, as well as by virtue of the additional claim recitations included therein. Favorable reconsideration of the rejections of these claims is requested, as well.

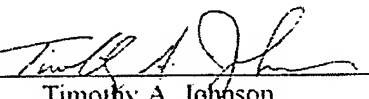
### Summary

In summary, applicants have traversed each rejection made by the Examiner. Applicants therefore respectfully request that the objections and rejections be withdrawn and the present application be passed onto allowance.

Application No. 10/807,281  
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A check in the amount of \$790.00 is enclosed covering the fees associated with the accompanying RCE. No additional fees are believed to be due in connection with the present Amendment and Remarks. However, if it is determined that fees are required, please charge our Deposit Account No. 503342, maintained by the Applicants' attorney.

Respectfully submitted,

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